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CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 1634

**Introduced by Assembly Member Chan
(Coauthor: Assembly Member Alquist)**

February 23, 2001

An act to add *Section 51210.4 to, and to add* Chapter 10 (commencing with Section 8990) to Part 6 of, the Education Code, relating to school nutrition, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1634, as amended, Chan. Nutrition education.

Existing law requires the State Department of Education to develop a summary of state law and regulations pertaining to nutrition and physical activity.

This bill would require the ~~Nutrition Services Division of the State Department of Education to develop~~ *incorporate* nutrition education

curriculum to be incorporated ~~content~~ into existing the health education taught at every grade level between kindergarten and grades ~~1-12~~ 1 to 12, inclusive curriculum framework at its next revision.

This bill also would require the State Department of Education to make competitive grants available for school districts and county offices of education to start up or expand instructional school gardens and school garden salad bars with a compost program.

This bill would appropriate \$250,000 from the United States Department of Agriculture Specialty Crop Block Grant in the Federal Trust Fund to the department, pursuant to a prescribed schedule, for the purposes of providing these grants.

The bill would become operative on July 1, 2004.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) Recent evidence shows that infancy, toddler years, and
4 early childhood are the most important developmental stages for
5 establishing healthy eating and exercise patterns. These patterns
6 can provide optimal growth and cognitive development and
7 prevent a lifetime of obesity and nutrition-related diseases.

8 (b) Poor diet and physical inactivity are the leading preventable
9 causes of cancer and the second actual cause of premature death,
10 following tobacco use. Nutrition education is an effective way of
11 developing healthy eating patterns among pupils. For this reason,
12 one of the health promotion objectives of the United States
13 Department of Health and Human Services is to increase the
14 number of schools that provide nutrition education in preschool,
15 kindergarten, and grades ~~1-12~~ 1 to 12, inclusive.

16 (c) Approximately 8 percent of all preschool age children are
17 overweight and one-third of overweight preschool children
18 remain overweight as adults. In 1999, the federal Centers for
19 Disease Control and Prevention (CDC): National Center for
20 Health Statistics found that the percentage of children and
21 adolescents who are overweight has more than doubled in the last
22 30 years.

(d) At the University of California, San Diego, Medical School in 2000–01, it has been found that by the age of 12, 30 to 60 percent of children in the United States show at least one risk factor of cardiovascular disease. Increasingly, overweight and obese children are experiencing health risks previously thought of as adult medical issues, such as Type 2 diabetes, high blood pressure, high cholesterol levels, asthma, and certain cancers. Eating habits and exercise patterns are most often established during early childhood.

(e) Approximately 70 percent of girls, and 40 percent of boys, 6 to 12 years of age do not have enough muscle strength to do more than one pullup. Most children lead inactive lives. According to the Third National Health and Nutrition Examination Survey conducted by the CDC: National Center for Health Statistics, 33 percent of children in the United States watch four or more hours of television each day.

(f) The family plays a primary role in fostering eating and exercise habits. A family that practices good nutrition and exercises regularly increases the health and well-being of the child dramatically. Healthy eating patterns and physical activity are essential for long-term health, and because they have the potential to last a lifetime, it is important to learn the benefits of good nutrition and regular exercise. Yet, children’s physical activity and eating habits have deteriorated over the last three decades.

(g) Children of all socioeconomic levels are at risk for poor nutrition. According to the National Health/Education Consortium, some children do not get enough to eat each day because their families lack money to buy sufficient food. Other children consume enough food, but have diets high in fat, sugar, and sodium that put them at risk for obesity or heart disease and other chronic illnesses. Furthermore, as the number of parents in the workforce increases, more children are being left to fend for themselves for meals.

(h) Pupils who are involved in nutrition education have the opportunity to make healthy food and lifestyle choices. As a setting for nutrition education, schools are an excellent site because they reach almost all children and their nutrition programs offer opportunities to practice healthy eating habits.

(i) Health and success in school are interrelated. Schools cannot achieve their primary mission of education if pupils are not

1 healthy and fit physically, mentally, and socially. Credible studies
2 indicate that alarming proportions of young people engage in
3 behaviors that put them at risk of serious health problems. In
4 addition, the leading health authorities recommend that schools
5 take an active role in preventing disabling chronic health
6 conditions that create misery and consume a burdensome share of
7 the nation's resources.

8 (j) The link between nutrition and learning is well documented.
9 Healthy eating patterns are essential for pupils to achieve their full
10 academic potential, full physical and mental growth, and lifelong
11 health and well-being. Healthy eating is demonstrably linked to
12 reduced risk for mortality and development of many chronic
13 diseases as adults. Schools have a responsibility to help pupils and
14 staff establish and maintain lifelong, healthy eating patterns.
15 Well-planned and well-implemented school nutrition programs
16 have been shown to positively influence pupils' eating habits.

17 (k) School garden programs, one way of integrating nutrition
18 education into schools, give pupils an interactive educational
19 experience to learn about food, nutrition, California specialty
20 crops, and healthy eating. These programs also offer pupils a
21 deeper understanding and appreciation for the role of agriculture
22 in California, the world economy, the environment, the
23 community, and each other.

24 (l) School gardens are a feasible setting for hands-on,
25 integrated learning at urban, suburban, or rural schools whether
26 the gardens are indoor or outdoor container gardens, raised-bed
27 gardens set on asphalt or gardens that are incorporated into the
28 schools' existing landscaping. Instructional school gardens
29 provide an environmental context for interdisciplinary teaching
30 education standards. A number of schools are working to integrate
31 mathematics, science, language arts, social studies, health, and art
32 into a garden-based curriculum.

33 (m) There is a clear connection between nutrition and learning.
34 Research shows that physical and mental well-being are
35 prerequisites for achieving educational success. Well-nourished
36 and healthy children have better attendance at school, concentrate
37 better in class, and achieve improved academic performance.
38 Instructional school gardens provide the opportunity for
39 classrooms to create healthy snacks from the garden and provide
40 school food service programs to incorporate garden produce into

1 meals and snacks as well as return the trimmings to a compost bin
2 for future soil enrichment.

3 (n) Garden salad bars provide a choice of fresh fruits and
4 vegetables as part of the school lunch program. Fruits and
5 vegetables on garden salad bars increase pupil participation in the
6 National School Lunch Program. A school garden salad bar is a
7 vehicle to launch a school compost program in a district and
8 reinforce garden curricula. Children who learn to enjoy the variety
9 of vegetables and fruits grown in California may carry this healthy
10 habit into adulthood. In addition, garden-based education can
11 develop agricultural and environmental awareness in pupils as
12 they care for the garden, build networks between the school and
13 the community, and promote intergenerational transfer of
14 information and culture.

15 SEC. 2. Chapter 10 (commencing with Section 8990) is added
16 to Part 6 of the Education Code, to read:

17
18 CHAPTER 10. SCHOOL NUTRITION

19
20 Article 1. Nutrition Education

21
22 ~~8990. The Nutrition Services Division of the State~~
23 ~~Department of Education shall develop nutrition education~~
24 ~~curriculum that shall be incorporated into the sequential,~~
25 ~~comprehensive health education program taught at every grade~~
26 ~~level between kindergarten and grades 1 to 12, inclusive. This~~
27 ~~curriculum shall focus on pupils' eating behaviors, be based on~~
28 ~~theories and methods proven effective by published research, and~~
29 ~~be consistent with the state's and district's health education~~
30 ~~framework. Nutrition education shall be designed to help pupils~~
31 ~~learn the following:~~

32 ~~(a) Nutritional knowledge, including but not limited to, the~~
33 ~~benefits of healthy eating, essential nutrients, nutritional~~
34 ~~deficiencies, principles of healthy weight management, the use~~
35 ~~and misuse of dietary supplements, and safe food preparation,~~
36 ~~handling, and storage.~~

37 ~~(b) Nutrition-related skills, including, but not limited to,~~
38 ~~planning a healthy meal, understanding and using food labels, and~~
39 ~~critically evaluating nutrition information, misinformation, and~~
40 ~~commercial food advertising.~~

~~(c) How to assess their personal eating habits, set goals for improvement, and achieve those goals by using the Food Guide Pyramid, Dietary Guidelines for Americans, Nutrition Fact Labels, and the Physical Activity Pyramid.~~

~~8991. (a) Nutrition education instructional activities shall stress~~

8990. *The Legislature encourages nutritional education instructional activities that comply with all of the following:*

(a) *They emphasize the appealing aspects of healthy eating and shall be.*

(b) *They are participatory, developmentally appropriate, and enjoyable.*

~~(b) The program shall~~

(c) *They engage families as partners in their children's education.*

~~8992. Teachers~~

(d) *They encourage teachers* responsible for nutrition education, who have received nutrition instruction during their credentialing program, ~~shall~~ *to be adequately prepared and shall* regularly participate in professional development activities to effectively deliver the nutrition education program as planned. Preparation and professional development activities ~~shall~~ *should* provide basic knowledge of nutrition, combined with skill practice in program-specific activities and instructional techniques and strategies designed to promote healthy eating habits.

~~8993. (a) School personnel shall not offer food as a performance incentive or reward and shall not withhold food from~~

8993. *The Legislature encourages school instructional staff to do the following:*

(a) *Be informed about the negative consequences of using food as a reward and of withholding food from pupils as punishment.*

~~(b) Nutrition instruction shall be closely coordinated with the~~

(b) *The need to closely coordinate with the food service program and other components of the school health program. Nutrition concepts shall be integrated into the program in order to integrate nutrition concepts into the instruction of other subject areas.*

~~8994. The Legislature encourages school instructional staff to do the following:~~

~~(a)~~

1 (c) Cooperate with other agencies and community groups to
2 provide opportunities for pupil volunteer work related to nutrition,
3 such as assisting with food recovery efforts and preparing
4 nutritious meals for house-bound people.

5 ~~(b)~~

6 (d) Collaborate with agencies and groups conducting nutrition
7 education in the community to send consistent messages to pupils
8 and their families. Guest speakers invited to address pupils shall
9 receive appropriate orientation to the relevant policies of the
10 district.

11 ~~(e)~~

12 (e) Disseminate information to parents, guardians, pupils, and
13 staff about community programs that offer nutrition assistance to
14 families.

15 ~~(d)~~

16 (f) Model healthy eating behaviors.

17 8995. The Legislature encourages school administrations to
18 do the following:

19 (a) Offer wellness programs that include personalized
20 instruction about healthy eating and physical activity.

21 (b) Ensure that the nutrition services, health services, and
22 social services children need in order to learn are provided at the
23 schoolsite or in cooperation with other community agencies.

24 8996. As used in this article the following terms have the
25 following meanings:

26 (a) “Dietary Guidelines for Americans” means the current set
27 of recommendations of the federal government that are designed
28 to help people choose diets that will meet nutrient requirements,
29 promote health, support active lives, and reduce chronic disease
30 risks.

31 (b) “Nutrition education” means a planned sequential
32 instructional program that provides knowledge and teaches skills
33 to help pupils adopt and maintain lifelong, healthy eating patterns.

34 8997. This chapter shall become operative on July 1, 2004.

35
36 Article 2. Garden Programs
37

38 9000. The Legislature intends to expand the number of
39 educational gardens and garden salad bars in California public
40 schools by offering startup or expansion grants, implementing

1 garden-enhanced nutrition education, and training and resources
2 to the grantees. For ~~that~~ *those* purposes, the school gardens
3 program is hereby established.

4 9001. The State Department of Education shall establish,
5 develop, and implement the instructional school garden program
6 to make competitive grants available for school districts and
7 county offices of education. Schools may incorporate one of the
8 following into the nutrition education program proposal:

9 (a) An instructional school garden *if a garden does not already*
10 *exist on the site.*

11 (b) A school garden salad bar with a compost program if an
12 ~~instruction~~ *instructional* garden already exists onsite.

13 (c) An instructional school garden *if an instructional garden*
14 *does not already exist on the schoolsite* and a school garden salad
15 bar with a compost program.

16 9002. The State Department of Education shall distribute the
17 grants pursuant to subdivision (a) or (b), *in consultation with*
18 *education, nutrition, and agricultural experts*, at the applicant's
19 election, as follows:

20 (a) A maximum of one thousand dollars (\$1,000) to each
21 school that establishes instructional school gardens and an
22 additional five hundred dollars (\$500) as a workshop travel
23 stipend *to each school district that receives a grant.*

24 (b) A maximum of two thousand dollars (\$2,000), available on
25 a competitive basis as determined by the State Department of
26 Education, to each school that ~~offers a garden salad~~ *has an existing*
27 *instructional garden onsite, and that would offer a garden salad*
28 *prepared primarily with produce from the school's instructional*
29 *garden* in the school lunch program with these funds.

30 9003. The State Department of Education shall develop,
31 research, and coordinate the best *available* practices regarding
32 appropriate curriculum for school garden programs in
33 kindergarten and grades 1 to 12, inclusive, ~~and~~ *in consultation with*
34 *education, nutrition, and agricultural experts. The department*
35 *shall make the curriculum available to the schools that receive a*
36 *grant pursuant to this article.*

37 ~~SEC. 3. The sum of one hundred forty nine thousand dollars~~
38 ~~(\$149,000) is hereby appropriated from the General Fund to the~~
39 ~~State Department of Education according to the following~~
40 ~~schedule:~~

~~(a) Seventy-five thousand dollars (\$75,000) for the purposes of awarding grants for the school gardens program established pursuant to Section 9002 of the Education Code.~~

~~(b) Seventy-four thousand dollars (\$74,000) for the purposes of developing, researching, and establishing best practices regarding appropriate curriculum for instructional school garden programs in kindergarten and grades 1 to 12, inclusive, as required by Section 9003 of the Education Code.~~

9004. (a) *The sum of two hundred fifty thousand dollars (\$250,000) is hereby appropriated from the United States Department of Agriculture Specialty Crop Block Grant funds in the Federal Trust Fund to the department for the purposes of this article pursuant to the following schedule:*

(1) A sum not to exceed one hundred seventy thousand dollars (\$170,000) for the purposes of awarding grants for at least 80 school district instructional gardens pursuant to Sections 9001 and 9002.

(2) A sum not to exceed eighty thousand dollars (\$80,000) for the purposes of developing, researching, and coordinating the best available practices regarding appropriate curriculum for school garden programs pursuant to Section 9003.

(b) An amount not to exceed 10 percent of the sum set forth in subdivision (a) may be used for the administrative costs of the department in implementing this article.

SEC. 3. *Section 51210.4 is added to the Education Code, to read:*

51210.4. The State Department of Education shall incorporate nutrition education curriculum content into the health curriculum framework at its next revision. This curriculum shall focus on pupils' eating behaviors, be based on theories and methods proven effective by published research. Nutrition education shall be designed to help pupils learn all of the following:

(a) Nutritional knowledge, including but not limited to, the benefits of healthy eating, essential nutrients, nutritional deficiencies, principles of healthy weight management, the use and misuse of dietary supplements, and safe food preparation, handling, and storage.

(b) Nutrition-related skills, including, but not limited to, planning a healthy meal, understanding and using food labels, and

- 1 *critically evaluating nutrition information, misinformation, and*
- 2 *commercial food advertising.*
- 3 *(c) How to assess their own personal eating habits, set goals for*
- 4 *improvement, and achieve those goals by using the Food Guide*
- 5 *Pyramid, Dietary Guidelines for Americans, Nutrition Fact*
- 6 *Labels, and the Physical Activity Pyramid.*

